

4390

2013-2014 Regular Sessions

I N A S S E M B L Y

February 4, 2013

Introduced by M. of A. PERRY, KAVANAGH -- Multi-Sponsored by -- M. of A. AUBRY -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to requiring proof of liability insurance prior to the issuance of a license to carry a firearm

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 1 of section 400.00 of penal law, as amended by
2 chapter 189 of the laws of 2000, is amended to read as follows:
3 1. Eligibility. No license shall be issued or renewed pursuant to this
4 section except by the licensing officer, and then only after investi-
5 gation and finding that all statements in a proper application for a
6 license are true. No license shall be issued or renewed except for an
7 applicant (a) twenty-one years of age or older, provided, however, that
8 where such applicant has been honorably discharged from the United
9 States army, navy, marine corps, air force or coast guard, or the
10 national guard of the state of New York, no such age restriction shall
11 apply; (b) of good moral character; (c) who has not been convicted
12 anywhere of a felony or a serious offense; (d) who has stated whether he
13 or she has ever suffered any mental illness or been confined to any
14 hospital or institution, public or private, for mental illness; (e) who
15 has not had a license revoked or who is not under a suspension or inel-
16 igibility order issued pursuant to the provisions of section 530.14 of
17 the criminal procedure law or section eight hundred forty-two-a of the
18 family court act; (f) in the county of Westchester, who has successfully
19 completed a firearms safety course and test as evidenced by a certifi-
20 cate of completion issued in his or her name and endorsed and affirmed
21 under the penalties of perjury by a duly authorized instructor, except
22 that: (i) persons who are honorably discharged from the United States
23 army, navy, marine corps or coast guard, or of the national guard of the
24 state of New York, and produce evidence of official qualification in
25 firearms during the term of service are not required to have completed

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD00099-02-3

1 those hours of a firearms safety course pertaining to the safe use,
2 carrying, possession, maintenance and storage of a firearm; and (ii)
3 persons who were licensed to possess a pistol or revolver prior to the
4 effective date of this paragraph are not required to have completed a
5 firearms safety course and test; [and] (g) WHO SUBMITS PROOF OF PERSONAL
6 LIABILITY INSURANCE; AND (H) concerning whom no good cause exists for
7 the denial of the license. No person shall engage in the business of
8 gunsmith or dealer in firearms unless licensed pursuant to this section.
9 An applicant to engage in such business shall also be a citizen of the
10 United States, more than twenty-one years of age and maintain a place of
11 business in the city or county where the license is issued. For such
12 business, if the applicant is a firm or partnership, each member thereof
13 shall comply with all of the requirements set forth in this subdivision
14 and if the applicant is a corporation, each officer thereof shall so
15 comply.

16 S 2. Subdivision 1 of section 400.00 of the penal law, as amended by
17 chapter 1 of the laws of 2013, is amended to read as follows:

18 1. Eligibility. No license shall be issued or renewed pursuant to this
19 section except by the licensing officer, and then only after investi-
20 gation and finding that all statements in a proper application for a
21 license are true. No license shall be issued or renewed except for an
22 applicant (a) twenty-one years of age or older, provided, however, that
23 where such applicant has been honorably discharged from the United
24 States army, navy, marine corps, air force or coast guard, or the
25 national guard of the state of New York, no such age restriction shall
26 apply; (b) of good moral character; (c) who has not been convicted
27 anywhere of a felony or a serious offense; (d) who is not a fugitive
28 from justice; (e) who is not an unlawful user of or addicted to any
29 controlled substance as defined in section 21 U.S.C. 802; (f) who being
30 an alien (i) is not illegally or unlawfully in the United States or (ii)
31 has not been admitted to the United States under a nonimmigrant visa
32 subject to the exception in 18 U.S.C. 922(y)(2); (g) who has not been
33 discharged from the Armed Forces under dishonorable conditions; (h) who,
34 having been a citizen of the United States, has not renounced his or her
35 citizenship; (i) who has stated whether he or she has ever suffered any
36 mental illness; (j) who has not been involuntarily committed to a facil-
37 ity under the jurisdiction of an office of the department of mental
38 hygiene pursuant to article nine or fifteen of the mental hygiene law,
39 article seven hundred thirty or section 330.20 of the criminal procedure
40 law, section four hundred two or five hundred eight of the correction
41 law, section 322.2 or 353.4 of the family court act, or has not been
42 civilly confined in a secure treatment facility pursuant to article ten
43 of the mental hygiene law; (k) who has not had a license revoked or who
44 is not under a suspension or ineligibility order issued pursuant to the
45 provisions of section 530.14 of the criminal procedure law or section
46 eight hundred forty-two-a of the family court act; (l) in the county of
47 Westchester, who has successfully completed a firearms safety course and
48 test as evidenced by a certificate of completion issued in his or her
49 name and endorsed and affirmed under the penalties of perjury by a duly
50 authorized instructor, except that: (i) persons who are honorably
51 discharged from the United States army, navy, marine corps or coast
52 guard, or of the national guard of the state of New York, and produce
53 evidence of official qualification in firearms during the term of
54 service are not required to have completed those hours of a firearms
55 safety course pertaining to the safe use, carrying, possession, mainte-
56 nance and storage of a firearm; and (ii) persons who were licensed to

1 possess a pistol or revolver prior to the effective date of this para-
2 graph are not required to have completed a firearms safety course and
3 test; (m) who has not had a guardian appointed for him or her pursuant
4 to any provision of state law, based on a determination that as a result
5 of marked subnormal intelligence, mental illness, incapacity, condition
6 or disease, he or she lacks the mental capacity to contract or manage
7 his or her own affairs; [and] (n) WHO SUBMITS PROOF OF PERSONAL LIABIL-
8 ITY INSURANCE; AND (O) concerning whom no good cause exists for the
9 denial of the license. No person shall engage in the business of
10 gunsmith or dealer in firearms unless licensed pursuant to this section.
11 An applicant to engage in such business shall also be a citizen of the
12 United States, more than twenty-one years of age and maintain a place of
13 business in the city or county where the license is issued. For such
14 business, if the applicant is a firm or partnership, each member thereof
15 shall comply with all of the requirements set forth in this subdivision
16 and if the applicant is a corporation, each officer thereof shall so
17 comply.

18 S 3. This act shall take effect on the first of November next succeed-
19 ing the date on which it shall have become a law and shall apply to
20 licenses issued or renewed on or after such date; provided that the
21 amendments to subdivision 1 of section 400.00 of the penal law made by
22 section two of this act shall take effect on the same date and in the
23 same manner as section 48 of chapter 1 of the laws of 2013, takes
24 effect.